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PRACHANDA SNAPS ALLIANCE, LEADS NEW COALITION IN NEPAL

32 seats
ALONE HELD BY PRACHANDA IN THE 17th MEMBER NEPAL HOUSE

Prime Minister Prachanda ended the 15-month partnership with Nepali Congress and formed an alliance with Communist Party of Nepal (UML)

Nepal nitished, 3 new ministers take oath

It was like what Nitish Kumar did in Bihar — ending an alliance and joining another in the space of a few hours while staying at the helm. Prachanda's Communist Party (Maoist Centre) snapped ties with Deuba's Nepali Congress. The PM then signed a deal with critic and former premier K P Sharma Oli's UML. Three ministers then took the oath of office on Monday | P12

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Bribed lawmakers lose judicial shield

Seven-judge bench overturns SC's 1998 verdict in the JMM bribery case that protected Soren from CBI prosecution

SUCHITRA KALYAN MOHANTY @ New Delhi

The seven-judge bench comprising Chief Justice of India D Y Chandrachud and Justices A S Bopanna, M M Sundresh, Manoj Misra, P S Narasimha, J B Pardiwala and Sanjay Kumar that nixed the immunity from prosecution for lawmakers | PTI

IN a landmark ruling, a seven-judge bench of the Supreme Court on Monday unanimously said an MP or MLA cannot claim immunity from prosecution on a charge of bribery in connection with the vote or speech in the legislature.

The ruling overturned a five-judge bench's 3:2 verdict in 1998 in the JMM bribery case to save P V Narasimha Rao's minority government. The CBI had accused JMM chief Shibu Soren of taking a bribe to defeat a no-confidence motion against the government in 1991.

The 1998 ruling said lawmakers had immunity from prosecution if they cast their vote in the House or spoke on a subject after taking bribe.

That verdict created a peculiar situation as a lawmaker who took bribe but did not vote in favour of the bribe giver became liable for prosecution.

Monday's verdict authored by CJI D Y Chandrachud said, "Taking bribe is an independent offence and has no connection with what is said and done, by a MP or MLA inside House. Hence immunity granted by Constitution to them for fearless deliberation and debate of issues inside the House cannot shield them from prosecution."

The court said corruption and bribery by legislators destroy the functioning of parliamentary democracy. "Bribery is not rendered immune under Article 105 or 194 because a member indulging in bribery indulges in a criminal act which is not essential for the function of casting a vote or giving a speech in the legislature," the bench ruled.

If the JMM bribery case verdict protected JMM chief Shibu Soren from prosecution, Monday's ruling put his MLA daughter-in-law Sita Soren in the soup. It was Sita who had filed the appeal that was decided by the seven-judge bench against her. She was accused of taking bribe to vote for a particular candidate in the 2012 Rajya Sabha polls in Jharkhand. She, however, did not vote for the candidate.

When the CBI went after her, Sita moved the Jharkhand High Court citing the 1998 ruling to seek protection from prosecution. But the HC rejected it on the ground that she had not cast her vote in favour of the alleged bribe giver and was thus not entitled to the protection under Article 194(2).

Commenting on the 1998 verdict, the seven-judge bench said, it resulted in a paradoxical outcome as it rewarded a lawmaker who accepted bribe and voted on agreed terms with immunity but prosecuted those who accepted illegal gratification but voted independently. The minority judgment highlighted the prima facie absurdity in the paradox, it added.

The bench said a member engaging in bribery commits a crime. "This action may bring indignity to the House of Parliament or Legislature and may also attract prosecution. What it does not attract is the immunity given to the essential and necessary functions of a member of Parliament or Legislature," it said.

IN THE SC

ERODES FOUNDATION OF DEMOCRACY

"Corruption and bribery of members of the legislature erode the foundation of Parliamentary democracy. It... creates a polity which deprives citizens of a responsible, responsive and representative democracy," the bench said

Three arrested for raising pro-Pakistan slogans at Soudha

EXPRESS NEWS SERVICE @ Bengaluru

THE Central Division police have arrested three persons for allegedly raising "Pakistan Zindabad" and other pro-Pakistan slogans at Vidhana Soudha soon after the announcement of victory of Congress candidate Syed Naseer Hussain in the elections to the Rajya Sabha from the state on February 27.

The accused have been identified as Mohammed Shafi Nashipudi from Byadagi in Haveri district, Munawar from RT Nagar in Bengaluru, and Iltaz of New Delhi. They were subjected to medical tests and later produced before a judge in Koramangala.

The arrest was made five days after the incident. After a video of the incident went viral, the police sent the raw footage to the Forensic Science Laboratory (FSL) for tests to determine whether pro-Pakistan slogans were raised. The police arrested the trio based on the FSL report.

The police had collected voice samples of 15 suspects and sent them to the FSL to check if they matched with those in the video. The voices of the three suspects matched.

The accused have been arrested based on the FSL report, circumstantial evidence, witness statements and other evidence.

The Vidhana Soudha police had registered a case after the incident, a statement from the office of the Deputy Commissioner of Police (Central) said.

BJP leaders staged a protest in the Assembly on Thursday demanding that the accused be arrested soon. Further investigations are on. MORE ON: P6

BUYING TIME

Extend electoral bond data sharing deadline to June 30: SBI to SC

EXPRESS NEWS SERVICE @ New Delhi

THE State Bank of India on Monday sought to buy time from the Supreme Court for submitting to the Election Commission of India full data on electoral bonds encashed by political parties.

With the SC's deadline for the SBI set to end on March 6 (Wednesday), the bank requested time till June 30 to complete the task.

In its landmark verdict last month striking down the electoral bonds scheme for political funding, the court had ordered the SBI to furnish the data to the poll panel by March 6. The ECI was directed to publish the information on its website by March 13.

Chronology *samjhiye*: first elections, then disclosure of electoral bonds. What makes the ruling party so nervous about revealing the source of its bottomless campaign finance coffers?

Jairam Ramesh, Congress

The court had the upcoming Lok Sabha elections in mind when it set the timelines because it said voters had a right to know which party is getting money from whom and how much before they excercise their franchise. Polling is expected to be over by June 30.

In its application, the SBI contended that retrieval of information stored in each silo and the procedure of matching the information of one silo with the other is a time-consuming exercise.

The data related to the issuance of the bond and the data on their redemption was kept recorded in two different silos. No central database was maintained. This was done to ensure that donors' anonymity, the SBI said.

"It is submitted that donor details were kept in a sealed cover at the designated branches and all such sealed covers were deposited in the Main Branch of the Applicant bank, which is located in Mumbai," the plea said.

On home ministry's direction, NIA takes over cafe blast probe

MUKESH RANJAN/PRAVEEN KUMAR @ New Delhi/Bengaluru

THE National Investigation Agency (NIA) has taken over the probe into the recent bomb blast at Bengaluru's The Rameshwaram Cafe. It registered an FIR based on a direction from the Union Ministry of Home Affairs, officials said on Monday.

They said the case has been handed over to NIA by the Union Ministry of Home Affairs after a team from the agency visited the blast site last week. It came a day after Karnataka Chief Minister Siddaramaiah's statement that his government might consider handing over the probe to NIA, if necessary.

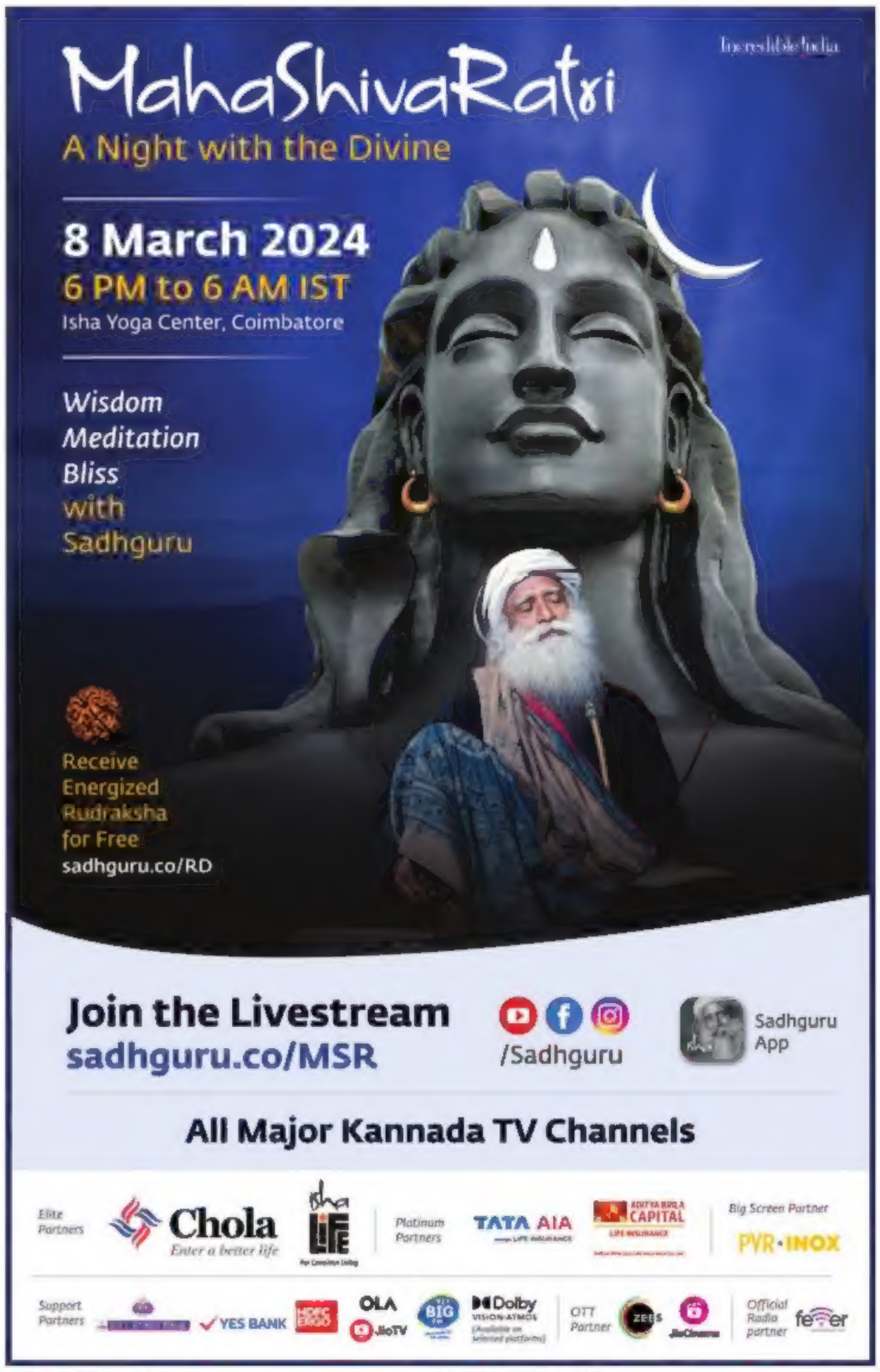
The blast took place at the cafe in Bengaluru's Whitefield area and several people were injured. Initially, the Bengaluru police registered a case under various Sections of the Unlawful Activities (Prevention) Act (UAPA) and the Explosives Substances Act.

The DG & IGP of Karnataka, Alok Mohan, told reporters that the case will be handed over to the NIA. The eight teams of the Central Crime Branch that were formed to probe the case will assist NIA officials. "Procedures are being followed to hand over the case to NIA," Mohan said.

A team of NIA officials met the state police chief and Bengaluru City Police Commissioner B Dayananda at the state police headquarters on Monday afternoon. After NIA officially takes over the case, all case properties, including material evidence, CCTV footage and related files, will be handed over to it. The city police will also share all information they have gathered with NIA officials. MORE ON: P5

Suspect wore mask, glasses, cap

A man wearing a cap, mask and glasses is the suspect in the case and he is still untraceable. The explosion is suspected to be carried out through an improvised explosive device



SOMANATH

'I was diagnosed with cancer'

ISRO chairman says on the day when India's Aditya-L1 mission was launched, he learnt that he had stomach cancer and had to undergo surgical procedure and subsequently chemotherapy | P7

READY TO APPEAR BEFORE THE ED VIRTUALLY, SAYS KEJRIWAL

ANUP VERMA @ New Delhi

DELHI Chief Minister Arvind Kejriwal on Monday skipped the Enforcement Directorate's (ED) eighth summons in connection with the excise policy case. Again terming the summons 'illegal', Kejriwal said he can appear before the agency virtually after March 12. Kejriwal is scheduled to appear before a city court on March 16 for repeatedly skipping ED's summonses for questioning in the excise policy case.

The AAP said that the motive behind summons is not to question the party chief, but to arrest him before the Lok Sabha elections. It said that the BJP has been completely exposed, hence it is playing vendetta politics. The party argued that when the CM is ready to respond virtually, why was the ED not questioning him. It stated that the central agencies can question him through video conference and the whole process should be telecast live.

Delhi BJP secretary Harish Khurana said, "Kejriwal can do that even today if he wants to appear virtually."